



U.S. Department of Justice

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**FOR IMMEDIATE RELEASE
Mar. 16, 2009**

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PRESS RELEASE

KAYSVILLE BUSINESSMAN SENTENCED TO JAIL, FINED AFTER PLEADING GUILTY TO ENVIRONMENTAL CRIMES

SALT LAKE CITY – A Kaysville businessman, who pleaded guilty in November to disposing of a hazardous waste without a permit, will serve a five-month prison sentence and pay a \$10,000 fine.

Jay Bert Atwater, who was indicted by a federal grand jury in October 2008, also must serve 24 months of supervised release, which includes five months of home confinement, after he finishes the 5-month prison sentence. A company he owns, Heritage Restoration, Inc., was fined \$25,000 for violating the Clean Water Act. U.S. District Judge Tena Campbell issued the sentences today in U.S. District Court.

Atwater pleaded guilty on Nov. 3 in federal court to one count of disposing of hazardous waste without a permit. Atwater admitted that from January 2001 to April 2007, when a piece of furniture was brought into his business, he and others acting under his direction stripped the furniture with a solution containing 70-76 percent methylene chloride. Federal regulations

provide that solutions containing more than 10 percent methylene chloride before use are listed as hazardous wastes once discarded because of toxicity.

Atwater admitted that once the furniture was stripped with the solution, he and others rinsed the stripped furniture with water. The rinse water mixed with the methylene chloride solution that remained on the furniture and ran into a depression on the shop floor. Atwater admitted that the rinse solution was pumped into a series of buckets and into a hole in the shop floor that was connected to a pipe. The pipe ultimately emptied the rinse solution into soil west of the business. Atwater admitted the business produced about 20 gallons of rinse solution each week. He also admitted that the rinse solution is a hazardous waste and that he did not have a permit to dispose of the hazardous waste.

Atwater, on behalf of Heritage Restoration, Inc., admitted that it discharged a pollutant into the Central Davis Sewer District that resulted in the presence of toxic gases, vapors, or fumes in a quantity that may cause acute worker health or safety problems.

“The violations committed by Mr. Atwater and his company posed a risk to the environment and the operation of the community's treatment plant,” said Lori Hanson, Special Agent in Charge of EPA's Criminal Investigation Division in Denver. “Today's sentences send a message to other potential violators that willful noncompliance with the law will be prosecuted.”

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